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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 -oOo-

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 vs.
12 NICHOLAS MICHAEL DARLEY,
13 Defendant.

2:15-mj-00830-PAL

Stipulation to Continue the
Preliminary Hearing (*First Request*)

14 IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G.
15 BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States
16 Attorney, counsel for the United States of America, and JEFFREY S. POSIN, Counsel
17 for the Defendant, that the preliminary hearing date in the above-captioned matter,
18 currently scheduled for November 17, 2015, at 4:00 pm, be vacated and continued for
19 sixty (60) days, to a date and time to be set by this Honorable Court.

20 This stipulation is entered into for the following reasons:

21 1. The parties request a continuance of the preliminary hearing so they may
22 engage in pre-indictment plea negotiations, which may eliminate the need for a
23 preliminary hearing or an indictment.

24 2. The parties agree to the continuance.

3. The defendant is incarcerated and but does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for a possible pre-indictment resolution of the case.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuation of the preliminary hearing.

DATED this 16th day of November, 2015.

Respectfully submitted,
DANIEL G. BOGDEN
United States Attorney

//s/
JEFFREY POSIN, ESQ.
Counsel for Defendant
NICHOLAS M. DARLEY

//s//
CRISTINA D. SILVA
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**
3 **-oOo-**

4 UNITED STATES OF AMERICA,

2:15-mj-00830-PAL

5 Plaintiff,

6 vs.

7 NICHOLAS MICHAEL DARLEY,

8 Defendant.

ORDER

9 **ORDER**

10 Based on the pending Stipulation of counsel, and good cause appearing
11 therefore, the Court finds that:

12 1. The parties request a continuance of the preliminary hearing so they may
13 engage in pre-indictment plea negotiations, which may eliminate the need for a
14 preliminary hearing or an indictment.

16 2. The parties agree to the continuance.

17 3. The defendant is incarcerated and but does not object to the continuance.

18 4. Additionally, denial of this request for continuance could result in a
19 miscarriage of justice.

20 5. The additional time requested herein is not sought for purposes of delay,
21 but to allow for a possible pre-indictment resolution of the case.

22 6. The additional time requested by this stipulation, is allowed, with the
23 defendant's consent under the Federal Rules of Procedure 5.1(d).

24 7. This is the first request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potential resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for November 17, 2015, at the hour of 4:00 pm, be vacated and continued to January 19, 2016 at the hour of 4:00 p.m.

DATED 17th day of November, 2015.

Peggy A. Leen
THE HONORABLE PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE